

GOVERNMENT OF TELANGANA
ABSTRACT

School Education Department - Orders of the Hon'ble A.P.A.T., Hyderabad, in O.A.No.5276/2013 - Ratification of the action of the District Educational Officer, Mahabubnagar District permitting Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District to retire voluntarily, duly condoning the deficit of his service for (7) months (22) days, in relaxation of Rule 43 of A.P. Revised Pension Rules, 1980, read with Rule 54 of the said Rules to settle the pension of the individual, as a special case - Orders - Issued.

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SCHOOL EDUCATION (Ser.II) DEPARTMENT

G.O.Ms.No.20

Dated.21.5.2016

Read the following:-

- 1) From the C&DSE., A.P., Hyderabad, Lr. Rc.No.222/D3-1/2011, dated 12.02.2013.
- 2) Govt. Memo.No.4697/SE-Ser.I.1/2013, Education (SE) Department, dated 13.5.2013.
- 3) Orders of the Hon'ble A.P.A.T., Hyderabad 15.4.2015 in O.A. No.5276/2013 with C.A. No.1716/2014 and VMA No.2016/2014.
- 4) Rep. of Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District, dated 22.5.2015.

ORDER:

The Commissioner & Director of School Education, A.P., Hyderabad in her letter 1st read above informed the Government that on submission of pension proposal in respect of Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District, who was Voluntarily retired from Service on 31.3.2006, vide District Educational Officer, Mahabubnagar Proc. Rc.No.B1/1355/2006, dated 28.3.2006, the Accountant General, Hyderabad has returned the same, mentioning that the Government was silent regarding treatment of E.O.L. period for pension purpose and also mentioned that Rule 43 of A.P.R.P.R., 1980 envisages that "any EOL availed including on Medical grounds shall not be reckoned as qualifying service for the purpose of arriving at the qualifying service of (20) years referred to in this rule" and thus he does not have (20) years of qualifying service which is required as per Rule 43 for Voluntary Retirement. The individual represented that he has served for a period of (20) years and due to domestic problems he has applied for Voluntary Retirement and the District Educational Officer has accorded permission for his retirement. As the A.G., A.P., Hyderabad had objected to his pension proposal, he requested the District Educational Officer, Mahabubnagar District to reinstate him into service, since he has more than a decade service to attain the age of superannuation, i.e., 30.6.2017 or to issue orders to count the E.O.L. period for pension. But, the District Educational Officer, rejected his request and therefore, the individual filed O.A. No.5141/2009 before the Hon'ble A.P.A.T., Hyderabad. The District Educational Officer, Mahabubnagar thus requested the Commissioner & Director of School Education, A.P., Hyderabad to forward the proposals to the Government for issuing revised Orders as per rule 43 of A.P.R.P. Rules, 1980, by counting the E.O.L. period for pension in order to settle the long pending pension case.

2. In this regard, the Commissioner & Director of School Education, A.P., Hyderabad stated that previously the Government, vide G.O.Ms.No.45, Education (SE-Ser.I.2) Department, dated 02.8.2010 have issued ratification orders of Voluntary Retirement in respect of Smt. M.P. Vijaya Kumari, Ex-S.A., Ananthapur District and permission was accorded to settle the pension by condoning the deficit of service for Voluntary Retirement in relaxation of Rule 43 of A.P.R.P. Rules, 1980 in terms of the powers vested with the Government under Rule 54 of the said Rules. Therefore, the Commissioner & Director of School Education, A.P., Hyderabad requested the Government to issue necessary orders with regard to relaxation of the deficit of service for Voluntary Retirement in respect of Sri E.Shyamsunder Reddy, Rtd. S.A. (BS), ZPHS., Sripur, MP Nagarkurnool, Mahabubnagar District.

(P.T.O)

3. After examination of the above proposal, in the Memo 2nd read above, Government have observed that the Rule 43 of A.P.R.P. Rules, 1980 envisages that any EOL availed including on medical grounds shall not be reckoned as qualifying service for purposes of arriving at the qualifying service of twenty years referred in the Rule and therefore rejected condoning the deficit of service for Voluntary Retirement in relaxation of Rule 43 of A.P.R.P. Rules, 1980, in respect of Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District.

4. Aggrieved by the above Orders of the Government, the individual has filed O.A. No.5276/2013 before the Hon'ble APAT, Hyderabad regarding rejection of his case for condoning the deficit service for Voluntary Retirement in relaxation of Rule 43 of A.P.R.P. Rules, 1980.

5. The Hon'ble A.P.A.T., Hyderabad in its Orders, in the reference 3rd read above, has finally observed and ordered as follows:-

“16. As there is a fault on the part of the competent authority in allowing the applicant for Voluntary Retirement, without verifying whether the applicant has put in qualifying service or not, the Respondent No.3 is directed to consider the case of the applicant for relaxing Rule 43 of the A.P. Revised Pension Rules, relating to the period of 7 months 22 days, on the same analogy in the case of Smt M.P.Vijaya Kumari in whose favour, the orders were issued relaxing the Rule under G.O.Ms.No.45, dated 2.8.2010.

17. In case, if any difficulty arises in relaxing the rule, the Respondents are directed to take back the applicant into service, so as to complete the qualifying service for voluntary retirement by permitting him to work for 7 months and 22 days, since the applicant is still having two more years service. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. The OA is disposed of accordingly. VMA and CA stand closed”.

6. The individual, Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District, in his representation in the reference 4th read above has stated that he retired on 31.03.2006 on voluntary basis and still having long years of service to attain the age of superannuation, but has no relief from 01.04.2006 and suffering financially a lot for the livelihood for want of pension, and therefore requested to consider his case based on the directions of the A.P.A.T., Hyderabad, for issuing relaxation of Rule 43 of A.P.R.P. Rules, 1980, or to issue Orders to reinstate him into service to work till he gets eligibility of pension to complete the qualifying service for Voluntary Retirement.

7. After careful examination of the matter and keeping in view of the Orders of the Hon'ble A.P.A.T., Hyderabad in the reference 3rd read above, Government have reviewed the entire issue in terms of the powers vested under Rule 54 of A.P. Revised Pension Rules, 1980, and hereby ratify the action of the District Educational Officer, Mahabubnagar, Procds. Rc.No.B1/1355/2006, dated 28.3.2006 in having ordered the Voluntary Retirement in respect of Sri E.Shyamsunder Reddy, Retd. School Asst. (Bio-Sci.), ZPHS., Sripuram, MP Nagarkurnool, Mahabubnagar District, duly condoning the deficit of his service for (7) months, (22) days, in relaxation of Rule 43 of A.P. Revised Pension Rules, 1980, to settle the pension of the individual, as a special case. This case shall not be treated as precedent in future.

8. The Director of School Education, Telangana, Hyderabad shall take necessary action, accordingly.

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9. This order issues with the concurrence of Finance (HRM-V) Department, vide their U.O. No.6890/92/A1/HRM.V/15, 04.6.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RANJEEV R. ACHARYA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Director of School Education, Telangana, Hyderabad.

The individual through the Director of School Education, Telangana, Hyderabad.

Copy to:

The District Educational Officer, Mahabubnagar District.

The Accountant General, Hyderabad.

The Finance (HRM-V) Department.

The Government Pleader for School Education (SE), APAT., Hyderabad.

SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER